

CLOSED

U.S. District Court
District of Alaska (Anchorage)
CIVIL DOCKET FOR CASE #: 3:05-cv-00122-TMB

Equal Employment Opportunity Commission v. United Freight
& Transport Incorporated
Assigned to: Timothy M. Burgess
Cause: No cause code entered

Date Filed: 06/01/2005
Jury Demand: Plaintiff
Nature of Suit: 442 Civil Rights: Jobs
Jurisdiction: U.S. Government Plaintiff

Plaintiff

**Equal Employment Opportunity
Commission**

represented by **Teri L. Healy**
Equal Employment Opportunity
Commission
909 First Avenue, Suite 400
Seattle, WA 98104-1061
US
206-220-6916
Fax: 206-220-6911
Email: teri.healy@eeoc.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Intervenor Plaintiff

Shotsay Posciri

represented by **Kenneth W. Legacki**
Kenneth W. Legacki, P.C.
425 G. Street, Suite 920
Anchorage, AK 99501
US
907-258-2422
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

**United Freight & Transport
Incorporated**

represented by **William J. Evans**
Dorsey & Whitney, LLC
1031 W. 4th Avenue, Suite 600
Anchorage, AK 99501
US
907-276-4557

Fax: 907-276-4152
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Wendy Edwards Leukuma
 Dorsey & Whitney, LLC
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ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/01/2005		All future filings will be in the CM/ECF System. All documents filed prior to January 3, 2006, are available for review at the Clerk's Office.(CLW) (Entered: 11/16/2005)
06/01/2005	11	Copy of ACMS docket. Click on the hyperlink to access docket entries 1-11 from prior ACMS system.(JAG) (Entered: 11/16/2005)
08/29/2005		Set Deadlines: Discovery due by 1/31/2006. Motions due by 3/1/2006; 7 day TBJ estimate. (PRR) (Entered: 12/12/2005)
08/29/2005		Set Deadlines: Discovery due by 1/31/2006. Motions due by 3/1/2006. (PRR) (Entered: 12/27/2005)
12/02/2005	12	ORDER granting mot to intervene. Signed by Judge John W. Sedwick on 11/30/05. (PRR) (Entered: 12/05/2005)
12/02/2005	13	Intervenor COMPLAINT , filed by Shotsay Posciri.(PRR) (Entered: 12/05/2005)
12/02/2005	14	Prel Witness List by Shotsay Posciri, Equal Employment Opportunity Commission. (PRR) (Entered: 12/05/2005)
12/09/2005	15	1st Amended Prel Witness List by United Freight & Transport Incorporated. (PRR) (Entered: 12/12/2005)
12/12/2005	16	STIPULATION for ext of time until 12/16/05 to file final wit lists by Shotsay Posciri, Equal Employment Opportunity Commission, United Freight & Transport Incorporated.(PRR) (Entered: 12/13/2005)
12/14/2005	16	(ACMS DKT 16-2) ORDER granting 16 Stipulation ; parties have until 12/16/05 to file final wit lists. Signed by Judge John W. Sedwick on 12/13/05. (PRR) (Entered: 12/17/2005)
12/16/2005	17	Final Witness List by United Freight & Transport Incorporated. (PRR) (Entered: 12/19/2005)

12/16/2005	18	Joint Final Witness List by Shotsay Posciri, Equal Employment Opportunity Commission. (PRR) (Entered: 12/19/2005)
12/23/2005	19	MOTION for Leave to File amended complaint in intervention w/att memo by Shotsay Posciri. (exhs not scanned; see complete paper document in court file)(PRR) (Entered: 12/27/2005)
01/05/2006	20	MOTION for Extension of Time to File Response/Reply as to 19 MOTION for Leave to File <i>unopposed</i> by United Freight & Transport Incorporated. (Attachments: # 1 Proposed Order)(Leukuma, Wendy) Error: Prop ord attached twice; motion missing. Attorney to re-file as a "Notice-Other re: Attachment to Motion For Extension of Time." (1-6-06) (PRR). (Entered: 01/05/2006)
01/05/2006	21	STIPULATION <i>For Extension of Time</i> by United Freight & Transport Incorporated. (Attachments: # 1 Proposed Order)(Leukuma, Wendy) (Entered: 01/05/2006)
01/06/2006	22	NOTICE by United Freight & Transport Incorporated re 20 MOTION for Extension of Time to File Response/Reply as to 19 MOTION for Leave to File <i>unopposed</i> NOTICE of Attachment by UFTI re 20 motion for extension of time (Leukuma, Wendy) (Entered: 01/06/2006)
01/06/2006	23	ORDER granting 20 Motion for Extension of Time to File Response re 19 MOTION for Leave to File; Responses due by 1/17/2006. Signed by Judge John W. Sedwick on 1/6/06. (GMM,) (Entered: 01/06/2006)
01/06/2006	24	ORDER granting 21 Stipulation extending discovery deadline to 3/31/2006. Signed by Judge John W. Sedwick on 1/6/06. (GMM,) (Entered: 01/06/2006)
01/06/2006		Set/Reset Deadlines: Discovery due by 3/31/2006. (GMM,) (Entered: 01/06/2006)
01/06/2006		Reset Deadlines: Motions due by 5/1/2006. (PRR) (Entered: 01/09/2006)
01/13/2006	25	MOTION for Extension of Time to File <i>unopposed</i> by United Freight & Transport Incorporated. (Attachments: # 1 Proposed Order)(Evans, William) (Entered: 01/13/2006)
01/18/2006	26	ORDER granting 25 Motion for Extension of Time to File. Signed by Judge John W. Sedwick on 1/18/06. (GMM,) (Entered: 01/18/2006)
01/18/2006		Reset Deadlines as to 19 MOTION for Leave to File. Responses due by 1/20/2006 (GMM,) (Entered: 01/18/2006)
01/20/2006	27	RESPONSE in Opposition re 19 MOTION for Leave to File <i>Amended Complaint</i> filed by United Freight & Transport Incorporated. (Attachments: # 1 Exhibit Excerpts from the Depo of William Smith# 2 Exhibit Excerpt from Collective Bargaining Agreement# 3 Exhibit Dispatch record dated September 19, 2003# 4 Exhibit Excerpts from Depo of Michael Killian# 5 Exhibit Excerpt from Depo of Janice Mansfield# 6 Exhibit Depo of Frank Monfrey Part 1# 7 Exhibit Depo of Frank Monfrey Part 2# 8 Exhibit Dispatch Record dated September 18, 2003# 9 Exhibit September 26, 2003 memo from Michael Killian# 10 Exhibit October 2, 2003 letter to Frank Monfrey from Michael Jones# 11 Exhibit October 6, 2003 letter to Michael Jones from Frank Monfrey# 12 Exhibit October 16, 2003 Dispatch Record# 13 Exhibit October 2, 2003 letter to Frank Monfrey from

		Michael Jones# 14 Exhibit November 26, 2003 letter to Michael Jones from Frank Monfrey and November 26, 2003 letter from Michael Jones to Frank Monfrey# 15 Exhibit EEOC Complaint# 16 Text of Proposed Order)(Leukuma, Wendy) (Entered: 01/20/2006)
01/20/2006		Set Deadlines as to 19 MOTION for Leave to File. Replies due by 1/30/2005. (PRR) (Entered: 01/23/2006)
01/23/2006	28	MINUTE ORDER: By agreement of the judges, this case is hereby re-assigned to the Honorable Timothy M. Burgess for all further proceedings. (JAG) (Entered: 01/24/2006)
01/26/2006	29	First MOTION for Extension of Time to File Response/Reply as to 27 Response in Opposition to Motion by Shotsay Posciri. (Attachments: # 1 Proposed Order)(Legacki, Kenneth) Modified on 1/26/2006 to add relationship to motion for leave to file at dkt 19 (PLD). (Entered: 01/26/2006)
01/27/2006	30	ORDER granting 29 Motion for Extension of Time to File Response/Reply re 19 MOTION for Leave to File Amended Complaint. Reply due by 2/6/2006. (PLD) (Entered: 01/27/2006)
02/06/2006	31	REPLY to Response to Motion re 19 MOTION for Leave to File <i>Amended Complaint</i> filed by Shotsay Posciri. (Attachments: # 2 Exhibit 1 # 3 Exhibit 2 # 4 Exhibit 3 # 5 Exhibit 4 pgs 1-2 # 6 Exhibit 4 pgs 3-4 # 7 Exhibit 5 # 8 Exhibit 6)(Legacki, Kenneth) Additional attachment(s) added on 2/6/2006 (CLW). (Entered: 02/06/2006)
02/06/2006		Docket Annotation re 31 Reply to Response to Motion, docket modified to reflect the addition of Exhibits 1-6 which filer was unable to load electronically. Help Desk later added exhibits successfully.(CLW) (Entered: 02/06/2006)
02/07/2006	32	Notice to Counsel re 31 Reply to Response to Motion, filed by Shotsay Posciri,. A review of the document submitted at dkt 31 confirms that it is over 25 pages in length. Counsel is reminded that, pursuant to D.Ak.LR 10.1(b), you are required to provide the court with a COURTESY copy of your filing at dkt 31. (DPM,) (Entered: 02/07/2006)
02/08/2006	33	NOTICE OF FILING SIGNED AFFIDAVIT OF MICHAEL KILLIAN by Kenneth W. Legacki on behalf of Shotsay Posciri re 31 Reply to Response to Motion, (Attachments: # 1 Affidavit Signed Affidavit of Michael Killian)(Legacki, Kenneth) (Entered: 02/08/2006)
03/08/2006	34	STIPULATION TO EXTEND DATE FOR CLOSE OF DISCOVERY by Shotsay Posciri. (Attachments: # 1 Proposed Order)(Legacki, Kenneth) (Entered: 03/08/2006)
04/19/2006	35	ORDER granting 34 Stipulation to Extend Close of Discovery. Discovery shall be completed on or before June 30, 2006. The parties are advised that further extension of time in this matter will not be viewed in a favorable light. (EKS) (Entered: 04/19/2006)
04/19/2006		Reset Deadlines: Discovery due by 6/30/2006. (EKS) (Entered: 04/19/2006)
04/20/2006	36	NOTICE <i>Unavailability</i> by Teri L. Healy on behalf of Equal Employment Opportunity Commission (Healy, Teri) (Entered: 04/20/2006)

04/20/2006		Re 36 Notice of Unavailability; counsel has not submitted a certificate of service as required by the Administrative Policies and Procedures for Electronic Filing. Counsel shall file the Certificate of Service using the event Affidavite under Other documents, text in certificate of service and link to docket 36 . (EKS) (Entered: 04/21/2006)
04/21/2006	37	AFFIDAVIT re 36 Notice (Other) <i>CERTIFICATE OF SERVICE</i> by Equal Employment Opportunity Commission. (Healy, Teri) (Entered: 04/21/2006)
05/08/2006	38	ORDER REQUIRING STATUS REPORT FOR CASES REASSIGNED TO THE HONORABLE TIMOTHY M. BURGESS: Counsel shall review the attached pdf order and respond accordingly. Required Notice or Status Report due by 5/22/2006. (SRL,) (Entered: 05/08/2006)
05/12/2006	39	ORDER re: Motion to Amend Complaint. It is hereby ordered as follows: 1. Posciri's Motion to Amend Complaint 19 is GRANTED. Posciri shall file her Amended Complaint no later than May 22, 2006. 2. If Defendant wishes to further litigate the statute of limitaions issue via a Motion to Dismiss, such Motion shall be filed no later than June 12, 2006. 3. No additional deadlines shall be extended absent express permission of the Court. Signed by Judge Timothy M. Burgess on 5/12/2006. (EKS) (Entered: 05/12/2006)
05/19/2006	40	MOTION to Bifurcate <i>Motion for Rule of Law of the Case Re: Punitive Damage Evidence</i> by United Freight & Transport Incorporated. (Attachments: # 1 Exhibit Exhibit A# 2 Exhibit Exhibit B# 3 Exhibit Exhibit C# 4 Exhibit Exhibit D# 5 Exhibit Exhibit E# 6 Exhibit Exhibit F# 7 Exhibit Exhibit G# 8 Exhibit Exhibit H# 9 Exhibit Exhibit I# 10 Text of Proposed Order proposed order# 11 Appendix Table of Contents to Exhibits A - I)(Leukuma, Wendy) (Entered: 05/19/2006)
05/19/2006	41	AFFIDAVIT re 40 MOTION to Bifurcate <i>Motion for Rule of Law of the Case Re: Punitive Damage Evidence Affidavit of Frank Monfrey</i> by United Freight & Transport Incorporated. (Leukuma, Wendy) (Entered: 05/19/2006)
05/19/2006	42	AFFIDAVIT re 40 MOTION to Bifurcate <i>Motion for Rule of Law of the Case Re: Punitive Damage Evidence Affidavit of Counsel</i> by United Freight & Transport Incorporated. (Leukuma, Wendy) (Entered: 05/19/2006)
05/22/2006	43	Notice to Counsel re 40 MOTION to Bifurcate Motion for Rule of Law of the Case Re: Punitive Damage Evidence filed by United Freight & Transport Incorporated,. A review of the document submitted at dkt 40 confirms that it is over 25 pages in length. Counsel is reminded that, pursuant to D.Ak.LR 10.1(b), you are required to provide the court with a COURTESY paper copy of your filing at dkt 40. (PLD) (Entered: 05/22/2006)
05/23/2006	44	ANSWER to Intervenor Complaint by United Freight & Transport Incorporated.(Leukuma, Wendy) Modified on 5/24/2006 to update linkage to Intervenor's Amended Complaint at docket 46 (EKS). (Entered: 05/23/2006)
05/23/2006	45	STATUS REPORT (<i>Joint</i>) by Equal Employment Opportunity Commission. (Legacki, Kenneth) (Entered: 05/23/2006)
05/24/2006	46	AMENDED COMPLAINT <i>in Intervention</i> against United Freight & Transport Incorporated, filed by Shotsay Posciri.(Legacki, Kenneth) (Entered: 05/24/2006)

05/31/2006	47	TMB ORDER:Status Report or closing documents due by 6/30/2006. Motion terminated: 40 MOTION to Bifurcate <i>Motion for Rule of Law of the Case Re: Punitive Damage Evidence</i> filed by United Freight & Transport Inc.(PLD) (Entered: 05/31/2006)
06/23/2006	48	Joint STIPULATION <i>Consent Decree</i> by Equal Employment Opportunity Commission. (Attachments: # 1 Proposed Order)(Healy, Teri) (Entered: 06/23/2006)
06/23/2006	49	CERTIFICATE OF SERVICE by Equal Employment Opportunity Commission re 48 Joint STIPULATION <i>Consent Decree and Proposed Order</i> (Healy, Teri) (Entered: 06/23/2006)
06/23/2006	50	NOTICE TO EMPLOYEES by Teri L. Healy on behalf of Equal Employment Opportunity Commission re 48 Joint STIPULATION <i>Consent Decree</i> (Healy, Teri) (Entered: 06/23/2006)
06/27/2006	51	ERRATA by Equal Employment Opportunity Commission 48 Joint STIPULATION <i>Consent Decree</i> filed by Equal Employment Opportunity Commission,, 49 Certificate of Service filed by Equal Employment Opportunity Commission,. (Attachments: # 1 Errata Filing New Notice to Employees)(Healy, Teri) (Entered: 06/27/2006)
07/03/2006	52	ORDER Approving Consent Decree. The consent decree at docket 48 is approved as the final decree of this Court in full settlement of this action. This lawsuit is dismissed with prejudice and without costs or attorneys' fees to any party. This court retains jurisdiction for purposes of enforcing the consent decree. Signed by Judge Timothy M. Burgess on 7/3/2006. (EKS) (Entered: 07/03/2006)

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